

CAUSE NO. CC-17-03155-C

KEVIN L. BAIRD,	§	IN THE COUNTY COURT
	§	
Plaintiff,	§	
	§	
vs.	§	AT LAW NO. ____
	§	
OTGONBAATAR	§	
SHAGDARSUREN & DBN	§	
CARRIER, INC.,	§	
Defendants.	§	DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

PLAINTIFF, KEVIN L. BAIRD, files this Original Petition and states the following:

I. DISCOVERY CONTROL PLAN

Plaintiff brings this action under Tex. R. Civ. P. 47(c)(4)(monetary relief between \$200,000 and \$1,000,000). Plaintiff requests that this matter be governed by a “Level 3” discovery control plan.

II. PARTIES

Plaintiff Kevin L. Baird is an individual residing in Dallas County, Texas.

Defendant Otgonbaatar Shagdarsuren is a resident of Orange County, State of California, and may be served with process at his home, located at 6343 Lincoln Avenue, #B1, Buena Park, California 90620.

Defendant DBN Carrier, Inc. is a corporation authorized to do business in the State of Texas and will be served with process by serving its registered agent, Bayasgalan Lkhamsuren, 430 South Burnside Avenue, #5B, Los Angeles, California 90036.

III. VENUE AND JURISDICTION

Venue is proper in this Court because Dallas County, Texas is where all or a substantial part of the events or omissions giving rise to the claim occurred. Furthermore, this Court has jurisdiction in that the damages claimed are within the jurisdictional limits of this Court.

IV. FACTS

This lawsuit is based on a collision which occurred on November 13, 2015 at about 9:30 p.m. in Garland, Dallas County, Texas. At that time, both Plaintiff and Defendant were traveling eastbound on IH 30 South Service Road of Zion Road, when Defendant made an unsafe lane change and collided into Plaintiff's vehicle.

V. CAUSES OF ACTION

Defendant Otgonbaatar Shagdarsuren was **negligent** as follows:

- In failing to keep a proper lookout.
- In failing to timely and properly apply the brakes.
- In failing to take proper evasive action to avoid the collision.
- In failing to control speed.
- In failing to yield the right of way.

C. RESPONDEAT SUPERIOR -- At the time of the incident, Defendant Otgonbaatar Shagdarsuren was in the scope and course of his employment with and furthering the business of Defendant DBN Carrier, Inc. Therefore, based on the doctrine of RESPONDEAT SUPERIOR, Defendant DBN Carrier, Inc. is liable for the negligence of its employee, Defendant Otgonbaatar Shagdarsuren.

VI. DAMAGES

Plaintiff Kevin L. Baird seeks damages for the following:

A. MEDICAL EXPENSES: Past and Future

- B. PHYSICAL PAIN AND SUFFERING: Past and Future**
- C. MENTAL ANGUISH: Past and Future**
- D. PHYSICAL IMPAIRMENT/DISABILITY: Past and Future**
- E. LOSS OF WAGE EARNING CAPACITY: Past and Future**
- F. PROPERTY DAMAGE**
(Defendant would be entitled to an offset for any money already paid on behalf of Defendant for property damage.)

VIII. RELIEF SOUGHT

Plaintiff requests that Defendants be cited to appear and answer, and that this case be tried after which Plaintiff recover:

- (1) Judgment against Defendants for a sum within the jurisdictional limits of the Court for the damages indicated above;
- (2) Pre-judgment and post-judgment interest at the maximum amount allowed by law;
- (3) Costs of suit; and
- (4) Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,



WILLIAM L. SHIRER

State Bar No. 18273100

MCGILBERRY & SHIRER, L.L.P.

5720 LBJ Freeway

Suite 575, LB 5

Dallas, Texas 75240

P: (972) 392-1225

F: (866) 342-1022 Facsimile

E: wls@shirer.net

ATTORNEYS FOR PLAINTIFF